



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

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DALLAS, TEXAS 75202 – 2733

March 2, 2017

David Bernhart, Assistant Regional Administrator  
National Oceanic and Atmospheric Administration  
National Marine Fisheries Service  
Southeast Regional Office  
Protected Resources Division  
263 13th Avenue South  
St. Petersburg, Florida 33701-5505

Dear Mr. Bernhart:

This letter serves to initiate informal consultation under Section 7(a)(2) of the Endangered Species Act (ESA) with the National Oceanic and Atmospheric Administration – National Marine Fisheries Service (NOAA Fisheries) regarding the Environmental Protection Agency's (EPA) approval of Louisiana's adopted amendments to Title 33, Part IX, Chapter 11 of the Louisiana Surface Water Quality Standards, pursuant to Clean Water Act Section 303(c) and 40 CFR Part 131. EPA has also initiated consultation with the U.S. Fish and Wildlife Service Ecological Services Office in Lafayette, Louisiana.

The revised Louisiana standards are limited to the DO criterion for a specific waterbody type in the eastern Lower Mississippi Alluvial Plain (eLMRAP) basin. Louisiana derived seasonally applicable minimum DO criteria from observed DO patterns of representative reference sites within the ecoregion. The seasonal DO criterion adopted for waters in the eLMRAP ecoregion is as follows:

|                |                                   |
|----------------|-----------------------------------|
| Inland Streams | 2.3 mg/L - March through November |
|----------------|-----------------------------------|

The original DO criterion of 5.0 mg/L (for inland streams) remains in effect for the months of December through February. The DO criterion of 4.0 mg/L applicable to estuarine waters has not changed. A copy of the revised standards is enclosed which identifies the waters where the revised criterion applies.

EPA's June 3, 2016 approval referenced Section 7(a)(2) of the ESA. In that action, EPA also noted that its approval action may be "subject to the results of consultation." EPA has authority to take additional action regarding the DO criterion if EPA's consultation with the identifies deficiencies in the revised water quality standards require remedial action by EPA. If federally-listed threatened and endangered species may be affected, EPA will continue to consult with NOAA Fisheries.

EPA has identified and defined the action area as to be the specific waterbodies in the eLMRAP basin and identified a number of federally-listed threatened and endangered species that may potentially occur within the eLMRAP through the U.S. Fish and Wildlife Service's (Service) Environmental Conservation Online System Information for Planning and Consultation site. EPA has requested the Services input on whether the revised water column DO criteria may affect those species. EPA has also identified a

number of federally-listed threatened and endangered species that may potentially occur within or near the eLMRAP through the NOAA-Fisheries' online species list for Louisiana. EPA is seeking the NOAA Fisheries' input on whether EPA's approval of the revised water column DO criteria may affect the following species or critical habitat:

Sea Turtle Species

Green sea turtle (*Chelonia mydas*)

Hawksbill sea turtle (*Eretmochelys imbricata*)

Kemp's Ridley sea turtle (*Lepidochelys kempii*)

Leatherback sea turtle (*Dermochelys coriacea*)

Loggerhead sea turtle (*Caretta caretta*)

Fish Species

Gulf Sturgeon (*Acipenser oxyrinchus desotoi*)


Critical Habitat

Loggerhead sea turtle (*Caretta caretta*)

Gulf Sturgeon (*Acipenser oxyrinchus desotoi*)

EPA would appreciate any specific information that the NOAA-Fisheries can provide regarding the effects of water column DO on these species or habitat within the defined action area. If you have any questions concerning this letter or action, please contact Russell Nelson of my staff at (214) 665-6646 or by email at [nelson.russell@epa.gov](mailto:nelson.russell@epa.gov).

Sincerely,

  
Jane B. Watson, Ph.D. *for*  
Associate Director